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*** Bill No. ***

Introduced By *****

A Bill for an Act entitled: "An Act eliminating the statutory time limit on the duration of a state of emergency or disaster as a result of a forest fire during the months of July through October; increasing the statutory appropriation for emergencies or disasters from \$16 million to \$25 million per biennium; appropriating money for wildfire suppression in fiscal years 2008 and 2009; amending sections 10-3-302, 10-3-303, and 10-3-312, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-3-302, MCA, is amended to read:

"10-3-302. Declaration of emergency -- effect and termination. (1) A state of emergency may be declared by the governor when he determines that an emergency as defined in 10-3-103 exists.

(2) An executive order or proclamation of a state of emergency shall activate the emergency response and disaster preparation aspects of the state disaster and

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emergency plan and program applicable to the political subdivision or area and be authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disasters and disaster-related emergencies.

(3) A Except as provided in subsection (4), a state of emergency may not continue for longer than 20 days unless continuing conditions of the state of emergency exist, which shall be determined by a declaration of an emergency by the president of the United States or by a declaration of the legislature by joint resolution of continuing conditions of the state of emergency.

(4) A state of emergency that has been declared as a result of the existence of a forest fire during the months of July through October is not subject to the 20 day limitation contained in subsection (3)."

{Internal References to 10-3-302:
10-3-103 x 10-3-1210 x}

Section 2. Section 10-3-303, MCA, is amended to read:

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"10-3-303. Declaration of disaster -- effect and termination. (1) A state of disaster may be declared by the governor when he determines that a disaster has occurred.

(2) An executive order or proclamation of a state of disaster shall activate the disaster response and recovery aspects of the state disaster and emergency plan and program applicable to the political subdivision or area and be authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disaster and disaster-related emergencies.

(3) A Except as provided in subsection (5), a state of disaster may not continue for longer than 30 days unless continuing conditions of the state of disaster exist, which shall be determined by a declaration of a major disaster by the president of the United States or by the declaration of the legislature by joint resolution of continuing conditions of the state of disaster.

(4) The governor shall terminate a state of emergency or disaster when:

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- (a) the emergency or disaster has passed;
- (b) the emergency or disaster has been dealt with to the extent that emergency or disaster conditions no longer exist; or
- (c) at any time the legislature terminates the state of emergency or disaster by joint resolution. However, after termination of the state of emergency or disaster, disaster and emergency services required as a result of the emergency or disaster may continue.

(5) A state of disaster that has been declared as a result of the existence of a forest fire during the months of July through October is not subject to the 30 day limitation contained in subsection (3)."

{Internal References to 10-3-303:
10-3-103x 10-3-1210 x}

Section 3. Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever an emergency, including an emergency as defined in 90-4-302, or a disaster is declared by the governor, there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, ~~as provided in 17-7-502,~~ and, subject to subsection (2), the

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governor is authorized to expend from the general fund an amount not to exceed \$~~16~~ 25 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, ~~as provided in 17-7-502~~, and the governor is authorized to expend from the general fund an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178. The statutory appropriation in this subsection may be used by any state agency designated by the governor."

{*Internal References to 10-3-312:*
10-3-101 x 17-7-502 x }

NEW SECTION. **Section 4. Appropriation.** (1) The following amounts are appropriated from the general fund to

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the department of natural resources and conservation for
wildfire suppression, disaster response, and recovery
activities in Montana:

Fiscal year 2008 [current est. \$34 million]

Fiscal year 2009 \$10 million.

(2) There is appropriated [current est. \$3 million]
from the general fund to the department of military affairs
for fiscal year 2008 for wildfire suppression, disaster
response, and recovery activities in Montana.

NEW SECTION. **Section 5. {standard} Effective date.**

[This act] is effective on passage and approval.

-END-